

U.S. Serial No.: 09/482,235
Docket No. 26068-05E

Examiner: Brenda Coleman
Art Unit: 1624

REMARKS

Claims 3-5, 8-11, 13-16, 19-24, and 26-27 are currently pending in this application.

Reconsideration and withdrawal of the rejections of all of the claims of the application in view of the amendments made above and the remarks to follow is respectfully requested.

As to paragraphs 1 and 4 of the current office action, Applicant notes with appreciation the indication by the Examiner that the 35 U.S.C. §112, first paragraph rejection set forth in paragraph 1 of the previous office action and the 35 U.S.C. §112, second paragraph rejections labeled h) maintained in the previous office action have been withdrawn.

As to paragraphs 2 and 3 of the current office action, regarding the 35 U.S.C. §102 anticipation rejection of claims 3-5, 8-16, 19-24, 26 and 27 maintained in the last office action, the Examiner asserts that incorporation of essential material in the specification by reference to a foreign application (i.e., PCT/IB96/00987) is improper and that Applicants are required to amend the disclosure to include the material incorporated by reference. Based thereon, Applicants have amended the disclosure herewith to include the material incorporated by reference and have also included the required declaration stating that the amendatory material consists of the same material incorporated by reference in the referencing application. Thus, it is respectfully submitted that the proper showing has been made to incorporate the material of the PCT/IB96/00987 reference into the disclosure of the instant application. Therefore, based on the foregoing as well as the reasons set forth in Applicants' previous response (which are incorporated by reference herein but not repeated for purposes of brevity), Applicants respectfully request withdrawal of the 35 U.S.C. §102 rejection of claims 3-5, 8-11, 13-16, 19-24, 26 and 27 in view of the cited documents.

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Specifically, with respect to the rejection of claims 3-5, 8-16, 19-24, and 26-27 under 35 U.S.C. 102(b) as allegedly being anticipated by Wood et al., Tetrahedron Letters, Applicants submit that the foregoing is sufficient to demonstrate that the instant claims are entitled to the benefit of the filing date of the Provisional Application (i.e., an effective filing date of 11 August 1995). Because Wood et al., Tetrahedron Letters, is dated as of 1996 (and as discussed in the previous response by Applicants), this reference should not be deemed to be available as prior art under 35 U.S.C. § 102(b) and/or (e). Therefore, it is respectfully requested that the rejection of claims 3-5, 8-16, 19-24, and 26-27 under 35 U.S.C. 102(b) as allegedly being anticipated by Wood et al., Tetrahedron Letters be withdrawn.

Likewise, with respect to the rejection of claims 3-5, 8-16, 19-24, and 26-27 under 35 U.S.C. 102(b) as allegedly being anticipated by Wood et al., Journal of American Chemical Society, the cited reference is dated October 18, 1995 and thus should also not be available as prior art under 35 U.S.C. § 102(b) and/or (e) for the reasons noted above. Reconsideration and withdrawal of the rejection of claims 3-5, 8-16, 19-24, and 26-27 in view thereof is also respectfully requested.

Lastly, and as noted in paragraph 5 of the current office action, claims 26 and 27 stand rejected under 35 U.S.C. §112, first paragraph. However, as set forth above, Applicants have amended the disclosure herewith to include the material incorporated by reference and have satisfied the accompanying formal requirements. Therefore, Applicants respectfully request withdrawal of the rejection of claims 26 and 27 under 35 U.S.C. §112, first paragraph.

CONCLUSION

Applicant believes that the foregoing is a full and complete response to the Office Action of record. Accordingly, an early and favorable reconsideration of the rejection of all of the claims is requested. Applicants believe that claims 3-5, 8-11, 13-16, and 26-27

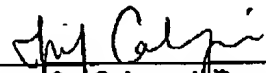
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are now in condition for allowance and an indication of allowability and an early Notice of Allowance is respectfully requested.

If Examiner feels that a telephonic interview would be helpful, she is requested to call the undersigned at (203) 575-2648.

Respectfully submitted,


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